

Fill in this information to identify the case:

Debtor 1 Gail Lewis Baker; aka Gail Lewis WhittenburgDebtor 2  
(Spouse, if filing) \_\_\_\_\_

United States Bankruptcy Court for the: Southern District of Texas

Case number 19-31296

## Official Form 410S1

## Notice of Mortgage Payment Change

12/15

If the debtor's plan provides for payment of postpetition contractual installments on your claim secured by a security interest in the debtor's principal residence, you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

The Secretary of Veterans Affairs, an

Name of creditor: Officer of the United StatesCourt claim no. (if known): 1-1Last 4 digits of any number you use to  
identify the debtor's account:5 2 9 7

## Date of payment change:

Must be at least 21 days after date 02/01/2021  
of this noticeNew total payment: \$ 1,270.25  
Principal, interest, and escrow, if any

## Part 1: Escrow Account Payment Adjustment

## 1. Will there be a change in the debtor's escrow account payment?

 No Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law. Describe the basis for the change. If a statement is not attached, explain why: \_\_\_\_\_Current escrow payment: \$ 271.68New escrow payment: \$ 266.26

## Part 2: Mortgage Payment Adjustment

## 2. Will the debtor's principal and interest payment change based on an adjustment to the interest rate on the debtor's variable-rate account?

 No Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law. If a notice is not attached, explain why: \_\_\_\_\_

Current interest rate: \_\_\_\_\_ %

New interest rate: \_\_\_\_\_ %

Current principal and interest payment: \$ \_\_\_\_\_ New principal and interest payment: \$ \_\_\_\_\_

## Part 3: Other Payment Change

## 3. Will there be a change in the debtor's mortgage payment for a reason not listed above?

 No Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \$ \_\_\_\_\_ New mortgage payment: \$ \_\_\_\_\_

Debtor 1 Gail Lewis Baker  
First Name Middle Name Last NameCase number (if known) 19-31296**Part 4: Sign Here**

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number.

Check the appropriate box.

I am the creditor.  
 I am the creditor's authorized agent.

**I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.**

X/s/ D. Anthony Sottile

Signature

Date 1/7/2021

Print: D. Anthony Sottile  
 First Name Middle Name Last Name

Title Authorized Agent for Creditor

Company Sottile & Barile, LLC

Address 394 Wards Corner Road, Suite 180  
 Number 394 Street Wards Corner Road  
Loveland OH 45140  
 City State ZIP Code

Contact phone 513-444-4100 Email bankruptcy@sottileandbarile.com



314 S. Franklin Street, 2nd Floor  
P.O. Box 517  
Titusville, PA 16354  
1-800-327-7861  
<https://myloanweb.com/BSI>

## Annual Escrow Account Disclosure Statement

ACCOUNT NUMBER: [REDACTED]

011

DATE: 12/21/20



16

JOHN A WHITTENBURG  
GAIL B WHITTENBURG  
7602 DEL REY LN  
HOUSTON, TX 77071

PROPERTY ADDRESS  
7602 DEL RAY LANE  
HOUSTON, TX 77071

PLEASE REVIEW THIS STATEMENT CLOSELY - YOUR MORTGAGE PAYMENT MAY BE AFFECTED. THIS STATEMENT TELLS YOU OF ANY CHANGES IN YOUR MORTGAGE PAYMENT, ANY SURPLUS REFUNDS, OR ANY SHORTAGE YOU MUST PAY. IT ALSO SHOWS YOU THE ANTICIPATED ESCROW ACTIVITY FOR YOUR ESCROW CYCLE BEGINNING 02/01/2021 THROUGH 01/31/2022.

### ----- ANTICIPATED PAYMENTS FROM ESCROW 02/01/2021 TO 01/31/2022 -----

HOMEOWNERS INS	\$2,347.00
COUNTY TAX	\$848.23
IRRIGATION FEE	\$0.00
TOTAL PAYMENTS FROM ESCROW	\$3,195.23
MONTHLY PAYMENT TO ESCROW	\$266.26

### ----- ANTICIPATED ESCROW ACTIVITY 02/01/2021 TO 01/31/2022 -----

ANTICIPATED PAYMENTS			ESCROW BALANCE COMPARISON		
MONTH	TO ESCROW	FROM ESCROW	DESCRIPTION	ANTICIPATED	REQUIRED
			STARTING BALANCE -->	\$14,395.48	\$1,548.22
FEB	\$266.26			\$14,661.74	\$1,814.48
MAR	\$266.26			\$14,928.00	\$2,080.74
APR	\$266.26			\$15,194.26	\$2,347.00
MAY	\$266.26			\$15,460.52	\$2,613.26
JUN	\$266.26	\$2,347.00	HOMEOWNERS INS	L1->\$13,379.78	L2-> \$532.52
JUL	\$266.26			\$13,646.04	\$798.78
AUG	\$266.26			\$13,912.30	\$1,065.04
SEP	\$266.26			\$14,178.56	\$1,331.30
OCT	\$266.26			\$14,444.82	\$1,597.56
NOV	\$266.26			\$14,711.08	\$1,863.82
DEC	\$266.26			\$14,977.34	\$2,130.08
JAN	\$266.26	\$848.23	COUNTY TAX	\$14,395.37	\$1,548.11

### ----- DETERMINING THE SUFFICIENCY OF YOUR ESCROW BALANCE -----

IF THE ANTICIPATED LOW POINT BALANCE (L1) IS GREATER THAN THE REQUIRED BALANCE (L2), THEN YOU HAVE AN ESCROW SURPLUS. **YOUR ESCROW SURPLUS IS \$12,847.26.**

### CALCULATION OF YOUR NEW PAYMENT

PRIN & INTEREST	\$1,003.99
ESCROW PAYMENT	\$266.26
<b>NEW PAYMENT EFFECTIVE 02/01/2021</b>	<b>\$1,270.25</b>

YOUR ESCROW CUSHION FOR THIS CYCLE IS \$532.52.

\*\*\*\*\* Continued on reverse side \*\*\*\*\*



Our records indicate that you have filed for Bankruptcy protection. As a result of your Bankruptcy filing, escrow account deficiencies prior to your filing date have been removed from calculation of your analysis, and they are now reflected as amounts due within your pre-petition arrearage. This Escrow Analysis Statement was prepared under the assumption that all escrow payments have been made in the amount required each month. The surplus funds indicated above are not an accurate reflection of your escrow account because no surplus funds will exist until all amounts are received towards your pre-petition arrearage.

## \*\*\*\*\* Continued from front \*\*\*\*\*

**ACCOUNT HISTORY**

THIS HISTORY STATEMENT COMPARES YOUR PRIOR ANALYSIS CYCLE PROJECTED ESCROW ACTIVITY TO THE ACTUAL ESCROW ACTIVITY BEGINNING 04/01/2020 AND ENDING 03/31/2021. IF YOUR LOAN WAS PAID-OFF, ASSUMED OR TRANSFERRED DURING THIS PRIOR CYCLE, OR THE COMPUTATION YEAR IS BEING CHANGED, ACTUAL ACTIVITY STOPS AT THAT POINT. THIS STATEMENT IS INFORMATION ONLY AND REQUIRES NO ACTION ON YOUR PART.

YOUR PAYMENT BREAKDOWN AS OF 04/01/2020 IS:

PRIN & INTEREST	\$1,003.99
ESCROW PAYMENT	\$271.68
BORROWER PAYMENT	\$1,275.67

PAYMENTS TO ESCROW			PAYMENTS FROM ESCROW			ESCROW BALANCE		
MONTH	PRIOR PROJECTED	ACTUAL	PRIOR PROJECTED	ACTUAL	DESCRIPTION	PRIOR PROJECTED	ACTUAL	
APR	\$271.68	\$0.00 *			STARTING BALANCE	\$1,740.32	\$5,909.19-	
MAY	\$271.68	\$2,572.76 *		\$2,347.00 *	HOMEOWNERS INS	\$2,012.00	A-> \$5,909.19-	
JUN	\$271.68	\$0.00 *	\$2,012.00		HOMEOWNERS INS	\$2,283.68	\$5,683.43-	
JUL	\$271.68	\$2,572.76 *			T->	\$543.36	\$5,683.43-	
AUG	\$271.68	\$0.00 *				\$815.04	\$3,110.67-	
SEP	\$271.68	\$2,572.76 *				\$1,086.72	\$3,110.67-	
OCT	\$271.68	\$865.31 *				\$1,358.40	\$537.91-	
NOV	\$271.68	\$865.31 *				\$1,630.08	\$327.40	
DEC	\$271.68	\$865.31 *		\$848.23 *	COUNTY TAX	\$1,901.76	\$1,192.71	
JAN	\$271.68	\$0.00	\$1,248.21		COUNTY TAX	\$2,173.44	\$1,209.79	
FEB	\$271.68	\$0.00				\$1,196.91	\$1,209.79	
MAR	\$271.68	\$0.00				\$1,468.59	\$1,209.79	
						\$1,740.27	\$1,209.79	
	<b>\$3,260.16</b>	<b>\$10,314.21</b>		<b>\$3,260.21</b>		<b>\$3,195.23</b>		

UNDER FEDERAL LAW, WHEN YOUR ACTUAL ESCROW BALANCE REACHED THE LOWEST POINT, THAT BALANCE WAS TARGETED NOT TO EXCEED 1/6TH OF THE ANNUAL PROJECTED DISBURSEMENTS. YOUR LOAN DOCUMENTS OR STATE LAW MAY SPECIFY THAT YOUR LOWEST BALANCE MUST BE A LOWER AMOUNT THAN THE FEDERAL LAW ALLOWS.

UNDER YOUR MORTGAGE CONTRACT OR STATE OR FEDERAL LAW, YOUR TARGETED LOW POINT BALANCE (T) WAS \$543.36. YOUR ACTUAL LOW POINT ESCROW BALANCE (A) WAS \$5,909.19-.

BY COMPARING THE ANTICIPATED ESCROW TRANSACTIONS WITH THE ACTUAL TRANSACTIONS YOU CAN DETERMINE WHERE A DIFFERENCE MAY HAVE OCCURRED. AN ASTERISK (\*) INDICATES A DIFFERENCE IN EITHER THE AMOUNT OR DATE OF THE PROJECTED ACTIVITY THAT HAS NOT YET OCCURRED DUE TO THE DATE OF THIS STATEMENT.

IF THERE ARE NO PRIOR PAYMENTS TO OR FROM ESCROW SHOWN, THERE WAS NO PRIOR PROJECTION TO WHICH THE ACTUAL ACTIVITY COULD BE COMPARED.

## Determining your Shortage or Surplus

### Shortage:

Any shortage in your escrow account is usually caused by one the following items:

- An increase, if any, in what was paid for insurance and/or taxes from your escrow account.
- A projected increase in taxes for the upcoming year.
- The number of months elapsed from the time of these disbursements to the new payment effective date.

Shortages are divided evenly of the next twelve months. To reduce the increase in your monthly payment, the shortage can be paid either partially or in full.

### Surplus:

A surplus in your escrow account is usually caused by one the following items:

- The insurance/taxes paid during the past year were lower than projected.
- A refund was received from the taxing authority or insurance carrier.
- Additional funds were applied to your escrow account.

If your surplus is \$50.00 or greater and your loan was contractually current at the time when the analysis was run or calculated, a check will be sent to you. If your surplus is less than \$50.00, the funds will be retained in your escrow account.

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In Re:

Case No. 19-31296

Gail Lewis Baker  
*aka* Gail Lewis Whittenburg

Chapter 13

Debtor.

Judge Marvin Isgur

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**CERTIFICATE OF SERVICE**

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I certify that on January 7, 2021, a copy of the foregoing Notice of Mortgage Payment Change was filed electronically. Notice of this filing will be sent to the following party/parties through the Court's ECF System. Party/Parties may access this filing through the Court's system:

Kenneth A. Keeling, Debtor's Counsel  
legal@keelinglaw.com

David G. Peake, Chapter 13 Trustee  
court@peakech13trustee.com

Office of the United States Trustee  
ustpregion07.hu.ecf@usdoj.gov

I further certify that on January 7, 2021, a copy of the foregoing Notice of Mortgage Payment Change was mailed by first-class U.S. Mail, postage prepaid and properly addressed to the following:

Gail Lewis Baker, Debtor  
7602 Del Rey Lane  
Houston, TX 77071

Dated: January 7, 2021

/s/ D. Anthony Sottile

D. Anthony Sottile  
Authorized Agent for Creditor  
Sottile & Barile, LLC  
394 Wards Corner Road, Suite 180  
Loveland, OH 45140  
Phone: 513.444.4100  
Email: [bankruptcy@sottileandbarile.com](mailto:bankruptcy@sottileandbarile.com)